

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN CHENENSKY, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK LIFE INSURANCE CO., NEW
YORK LIFE INSURANCE AND ANNUITY
CORP., NY LIFE INSURANCE CO. OF
ARIZONA, JOHN DOES 1-50 (said names
being fictitious individuals), and ABC
CORPORATIONS 1-50 (said names being
fictitious companies, partnerships, joint
ventures and/or corporations).

Defendants.

Civil Action No. 07 cv 11504

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

Pursuant to Local Civil Rule 1.3(c) of the Rules of the United States District Courts for the Southern and Eastern Districts of New York, Sean P. Lynch, Esq. of Morgan Lewis & Bockius LLP, a member in good standing of the bar of this Court and counsel for Defendants New York Life Insurance Company, New York Life Insurance and Annuity Corporation and NYLife Insurance Company of Arizona in this matter, hereby moves for an Order allowing the admission pro hac vice of:

Richard G. Rosenblatt, Esq.
Morgan Lewis & Bockius LLP
502 Carnegie Center
Princeton, New Jersey 08540
Phone: (609) 919-6609
Fax: (609) 919-6701

and

Michael L. Banks, Esq.
Morgan Lewis & Bockius LLP
1701 Market Street
Philadelphia, Pennsylvania 19103
Phone: (215) 963-5387
Fax: (215) 963-5001.

As set forth in the declaration submitted herewith, Richard G. Rosenblatt, Esq. is a member in good standing of the bar of New Jersey and Pennsylvania, having been admitted in 1990. He is also admitted to practice in the United States District Courts for the District of New

MAR 25 2008

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U.S. DISTRICT COURT
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Jersey, the Eastern and Western Districts of Pennsylvania, the District of Connecticut and United States Court of Appeals for the Third, Fourth and Sixth Circuits. There are no pending disciplinary proceedings against Mr. Rosenblatt in any State or Federal court.

As set forth in the declaration submitted herewith, Michael L. Banks is a member in good standing of the bar of Pennsylvania, having been admitted in 1981. Mr. Banks is also admitted to practice in the United States District Courts for the Eastern and Middle Districts of Pennsylvania and the District of Connecticut, and the United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth and Eleventh Circuits. There are no pending disciplinary proceedings against Mr. Banks in any State or Federal court.

Dated: March 21, 2005
Princeton, New Jersey

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:



Sean P. Lynch (SL9968)
502 Carnegie Center
Princeton, New Jersey 08540
Phone: (609) 919-6611
Fax: (609) 919-6701
slynch@morganlewis.com

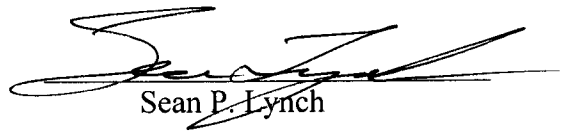
Attorneys for Defendants
New York Life Insurance Company, New York Life
Insurance and Annuity Corporation and NYLife
Insurance Company of Arizona

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by U.S. Mail a true and correct copy of the foregoing Motion to Admit Pro Hac Vice, on this 21st day of March, 2008, on

John Halebian, Esq.
LOVELL STEWART HALEBIAN LLP
500 Fifth Avenue, 58th Floor
New York, New York 10110
Attorneys for Plaintiff

I affirm that the foregoing statement is true, under penalty of perjury.



Sean P. Lynch

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BRIAN CHENENSKY, individually, and on
behalf of all others similarly situated,

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being fictitious individuals), and ABC
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fictitious companies, partnerships, joint
ventures and/or corporations).

Defendants.

Civil Action No. 07 cv 11504

**DECLARATION OF
MICHAEL L. BANKS, ESQ.
IN SUPPORT OF MOTION
FOR ADMISSION TO PRACTICE
PRO HAC VICE**

MICHAEL L. BANKS, ESQ., of full age, hereby declares as follows:

1. I am a partner with the law firm of Morgan, Lewis & Bockius LLP, resident in the firm's Philadelphia, Pennsylvania office, located at 1701 Market Street, Philadelphia, Pennsylvania 19103. I submit this declaration in support of my application for admission pro hac vice to serve as counsel for Defendants New York Life Insurance Company, New York Life Insurance and Annuity Corporation and NYLIFE Insurance Company of Arizona ("Defendants") in the above-captioned matter.

2. I am a member in good standing of the bar of Pennsylvania, admitted in 1981. I am also admitted to practice before the United States District Courts for the Eastern and Middle Districts of Pennsylvania and the Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth and Eleventh Circuits.

3. A certificate reflecting my good standing with the bar of Pennsylvania is attached hereto as Exhibit A.

4. There are not now, nor have there ever been, any disciplinary proceedings against me in any jurisdiction.

5. I am fully familiar with the facts and circumstances of this case and Defendants have requested that I appear and assist in the defense of this case in New York.

6. I am familiar with the Federal Rules of Civil Procedure and Evidence, and have reviewed the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, and the New York State Lawyer's Code of Professional Responsibility, and I agree to comply with these rules and standards.

7. I have consulted with Plaintiff's counsel and Plaintiff's counsel has consented to my admission pro hac vice.

8. I respectfully submit that there is good cause for my admission pro hac vice.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: March ~~20~~²⁰, 2008



Michael L. Banks
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, Pennsylvania 19103
Phone: (215) 963-5387
Fax: (215) 963-5001

EXHIBIT A



Supreme Court of Pennsylvania

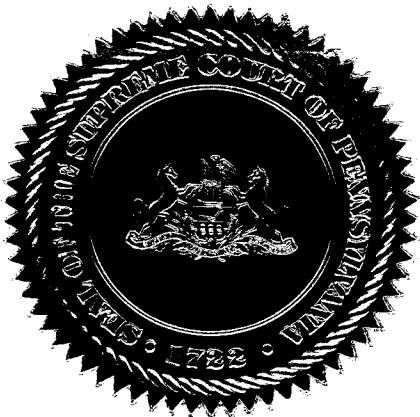
CERTIFICATE OF GOOD STANDING

Michael L. Banks, Esq.

DATE OF ADMISSION

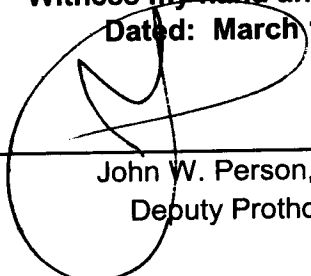
November 6, 1981

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: March 13, 2008



John W. Person, Jr., Esq.
Deputy Prothonotary

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN CHENENSKY, individually, and on
behalf of all others similarly situated,

Plaintiff,

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NEW YORK LIFE INSURANCE CO., NEW
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CORP., NY LIFE INSURANCE CO. OF
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fictitious companies, partnerships, joint
ventures and/or corporations).

Defendants.

Civil Action No. 07 cv 11504

**DECLARATION OF
SEAN P. LYNCH, ESQ.
IN SUPPORT OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE**

SEAN P. LYNCH, ESQ., an attorney at law in the State of New York admitted to
practice law before this Court, declares:

1. I am an associate with the law firm of Morgan, Lewis & Bockius LLP, counsel
for Defendants New York Life Insurance Company, New York Life Insurance and Annuity
Corporation and NYLIFE Insurance Company of Arizona in the above captioned action. I am
familiar with the proceedings in this case. I make this statement on my personal knowledge of
the facts set forth herein and in support of Defendants' motion to admit Richard G. Rosenblatt,
Esq. and Michael L. Banks, Esq. as counsel pro hac vice to represent Defendants in this matter.

2. I am a member in good standing of the bar of the States of New York and New
Jersey, and was admitted to practice law in the State of New Jersey in 2002 and the State of New
York in 2004. I am also admitted to practice before the United States District Courts for the
District of New Jersey, the Eastern and Southern Districts of New York and the United States

Courts of Appeal for the Second and Third Circuits. There are not now, nor have there ever been, any disciplinary proceedings against me in any jurisdiction and I am in good standing with this Court.

3. I have known Richard G. Rosenblatt, Esq. and Michael L. Banks, Esq. since 2007. Mr. Rosenblatt is a partner at Morgan, Lewis & Bockius LLP based in the firm's Princeton, New Jersey office. Mr. Banks is a partner at Morgan Lewis & Bockius LLP based in the firm's Philadelphia, Pennsylvania office.

4. I have found Mr. Rosenblatt and Mr. Banks to be skilled attorneys and persons of integrity. They are experienced in Federal practice and are familiar with the Federal Rules of Procedure.

5. Accordingly, I am pleased to move the admission of Richard G. Rosenblatt, Esq. and Michael L. Banks, Esq., pro hac vice.

6. The plaintiff, through his counsel, John Halebian, Esq., of Lovell Stewart Halebian LLP, has consented to the admission of Mr. Rosenblatt and Mr. Banks pro hac vice.

7. I respectfully request that the Court grant the motion for admission of Richard G. Rosenblatt, Esq. and Michael L. Banks, Esq. pro hac vice to assist in the representation of Defendants New York Life Insurance Company, New York Life Insurance and Annuity Corporation and NYLIFE Insurance Company of Arizona and that the Court enter the proposed Order attached hereto as Exhibit A.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: March 21, 2008


Sean P. Lynch (SL9968)

MORGAN, LEWIS & BOCKIUS LLP
502 Carnegie Center
Princeton, New Jersey 08540
Phone: (609) 919-6600
Fax: (609) 919-6701
*Attorneys for Defendants New York Life
Insurance Company, New York Life
Insurance and Annuity Corporation and
NYLIFE Insurance Company of Arizona*

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN CHENENSKY, individually, and on
behalf of all others similarly situated,

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Defendants.

Civil Action No. 07 cv 11504

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Sean P. Lynch of Morgan Lewis & Bockius LLP, attorneys for Defendants New York Life Insurance Company, New York Life Insurance and Annuity Corporation and NYLIFE Insurance Company of Arizona, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that,

Richard G. Rosenblatt, Esq.
Morgan Lewis & Bockius LLP
502 Carnegie Center
Princeton, New Jersey 08540 and
Phone: (609) 919-6609
Fax: (609) 919-6701

Michael L. Banks, Esq.
Morgan Lewis & Bockius LLP
1701 Market Street
Philadelphia, Pennsylvania 19103
Phone: (215) 963-5387
Fax: (215) 963-5001

are admitted to practice pro hac vice as counsel for Defendants in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing

discipline of attorneys. Counsel shall immediately apply for an Electronic Case Filing (ECF) password at nysd.uscourts.gov. Counsel shall forward the applicable pro hac vice fees to the Clerk of the Court.

Dated: March __, 2008
New York, New York

Honorable William H. Pauley, U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN CHENENSKY, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK LIFE INSURANCE CO., NEW
YORK LIFE INSURANCE AND ANNUITY
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being fictitious individuals), and ABC
CORPORATIONS 1-50 (said names being
fictitious companies, partnerships, joint
ventures and/or corporations).

Defendants.

Civil Action No. 07 cv 11504

**DECLARATION OF
RICHARD G. ROSENBLATT, ESQ.
IN SUPPORT OF MOTION
FOR ADMISSION TO PRACTICE
PRO HAC VICE**

RICHARD G. ROSENBLATT, ESQ., of full age, hereby declares as follows:

1. I am a partner with the law firm of Morgan, Lewis & Bockius LLP, resident in the firm's Princeton, New Jersey office, located at 502 Carnegie Center, Princeton, New Jersey 08540. I submit this declaration in support of my application for admission pro hac vice to serve as counsel for Defendants New York Life Insurance Company, New York Life Insurance and Annuity Corporation and NYLIFE Insurance Company of Arizona ("Defendants") in the above-captioned matter.

2. I am a member in good standing of the Bars of New Jersey and Pennsylvania, admitted in 1990. I am also admitted to practice before the United States District Courts for the District of New Jersey, the Eastern and Western Districts of Pennsylvania, the District of Connecticut and before the United States Courts of Appeal for the Third, Fourth, and Sixth Circuits.

3. Certificates reflecting my good standing with the Bars of New Jersey and Pennsylvania are attached hereto as Exhibit A.

4. There are not now, nor have there ever been, any disciplinary proceedings against me in any jurisdiction.

5. I am fully familiar with the facts and circumstances of this case and Defendants have requested that I appear and assist in the defense of this case in New York.

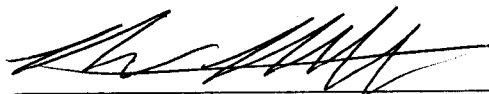
6. I am familiar with the Federal Rules of Civil Procedure and Evidence, and have reviewed the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, and the New York State Lawyer's Code of Professional Responsibility, and I agree to comply with these rules and standards.

7. I have consulted with Plaintiff's counsel and Plaintiff's counsel has consented to my admission pro hac vice.

8. I respectfully submit that there is good cause for my admission pro hac vice.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

March 21, 2008



Richard G. Rosenblatt
MORGAN, LEWIS & BOCKIUS LLP
502 Carnegie Center
Princeton, NJ 08540
Phone: (609) 919-6609
Fax: (609) 919-6701

EXHIBIT A



Supreme Court of Pennsylvania

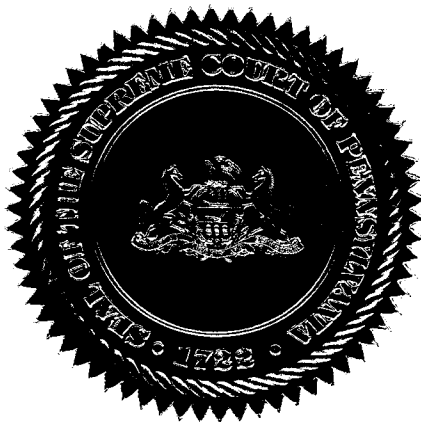
CERTIFICATE OF GOOD STANDING

Richard G. Rosenblatt, Esq.

DATE OF ADMISSION


November 29, 1990

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: March 6, 2008


Norina K. Blynn
Chief Clerk